

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

<p>REX GARD,</p> <p>Plaintiff,</p> <p>vs.</p> <p>BOB DOOLEY, CHIEF WARDEN, INDIVIDUAL AND OFFICIAL CAPACITY; DENNY KAEMINGK, SECRETARY OF CORRECTIONS, INDIVIDUAL AND OFFICIAL CAPACITY; DR. MARY CARPENTER, REGIONAL DIRECTOR, SOUTH DAKOTA DEPT. OF HEALTH, CORRECTIONAL HEALTH SERVICES, INDIVIDUAL AND OFFICIAL CAPACITY; GEORGE DEGLMAN, UNIT MANAGER, INDIVIDUAL AND OFFICIAL CAPACITY; TAMMY DEJONG, UNIT STAFF, INDIVIDUAL AND OFFICIAL CAPACITY; KELLY SWANSON, NURSE SUPERVISOR, INDIVIDUAL AND OFFICIAL CAPACITY; AND OTHER DEPARTMENT OF CORRECTIONS AND DEPARTMENT OF HEALTH STAFF, UNKNOWN TO ME AT THIS TIME, EACH IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES;</p> <p>Defendants.</p>	<p>4:14-CV-04179-LLP</p> <p>ORDER ON MOTIONS</p>
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Pending is Plaintiff's Motion for Extension of Time to Pay Initial Partial Filing Fee (Docket 6) which requests an extension of 60 days to remit the initial partial filing fee ordered by the court.

Also pending is Plaintiff's Motion for Court Order to Access Frozen Funds (Docket 7). Plaintiff states the prison refuses to permit him access to the frozen funds in his prisoner trust account in order that he may pay the initial partial filing fee. Plaintiff alleges "Warden Dooley's refusal is an attempt to impede his access to the Court system in retaliation for filing Civil 13-4062 and Civil 14-4023." Plaintiff's assertion is wholly without merit and the prison is, in fact, following this court's directive.<sup>1</sup>

Accordingly, it is hereby


ORDERED that:

1. Plaintiff's Motion for Extension (Docket 6) is GRANTED. Plaintiff shall have until March 16, 2015, to pay the initial partial filing fee of \$28.50.

2. Plaintiff's Motion for Court Order (Docket 7) is DENIED.

DATED this 15th day of January, 2015.

BY THE COURT:



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VERONICA L. DUFFY  
United States Magistrate Judge

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<sup>1</sup> See Miller v. Weber, CIV. 11-4176, Doc. 13 (D.S.D. filed Jan. 23, 2013)(copy attached).